IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 24423 of 2004

Between:

Taher Ali, S/o.Gulam Nabi,

Aged about 40 years, R/o.7-1-28/4/A/1,

Ameerpet, Hyderabad.

..... PETITIONER

AND

1. The Joint Transport Commissioner & Secretary, Regional Transport Authority, Hyderabad Central, Khairatabad, Hyderabad.

2. The Assistant Motor Vehicles Inspector, Regional Transport Authority, Ranga Reddy District..

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of petitioner's Light Motor Vehicle-OMNI (Tata Sumo Jeep) bearing R.A.No.AP09 Q 1368 seized under Vehicle Report No.1479625 dated 28.8.2004 by the 2nd respondent i.e., the Assistant Motor Vehicles Inspector, Ranga Reddy District as illegal, unjust, arbitrary, unconstitutional and without jurisdiction and consequently direct the respondents to release the petitioner's Light Motor Vehicle-OMNI (Tata Sumo Jeep) bearing R.No.AP09 Q 1368 forthwith to the petitioner.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following:

ORAL ORDER:

The 2nd respondent seized the petitioner's vehicle bearing No.AP09 Q 1368 under a check report No.1479625, dated 28.8.2004

for committing certain irregularities. The question as to whether the petitioner has committed any irregularities or not has to be decided by the appropriate authority. The petitioner also made a representation to the first respondent for grant of interim custody of the vehicle in question but the same has not been considered. It is not desirable to keep the vehicle idle exposing to sun and rain, which causes damage to the vehicle. Therefore, interim release of the vehicle in question can be granted to the petitioner.

Having regard to the facts and circumstances of the case, the respondents are directed to release the vehicle bearing No.AP09 Q 1368 (OMNI Tata sumo Jeep) to the petitioner on his depositing Rs.5,000/- (Rupees Five Thousand Only) with the following conditions:

1. *that the petitioner shall not alienate or transfer the vehicle in question.*

2. *that the petitioner shall produce the vehicle in question as and when required by the authorities concerned.*

3. *that the petitioner shall pay the tax if any due as on today.*

With the above directions, the writ petition is disposed of. In the circumstances of the case there shall be no order as to costs.

(K.C. BHANU, J.)

28th December, 2004.

bcj

To

1. The Joint Transport Commissioner & Secretary, Regional Transport Authority, Hyderabad Central, Khairatabad, Hyderabad.
2. The Assistant Motor Vehicles Inspector, Regional Transport Authority, Ranga Reddy District..
3. Two CCs copies to G.P for Transport, High Court Building, Hyderabad(OUT).
4. Two CD copies.